

*Cote J*

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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KERYX BIOPHARMACEUTICALS, INC.,

Plaintiff,

- against -

PANION & BF BIOTECH, INC.,

08 Civ. 3603 (DLC)  
ECF CASE

STIPULATION TO  
CONFORM PRETRIAL  
DEADLINES WITH  
DATE OF  
RESCHEDULED  
INITIAL CASE  
MANAGEMENT  
CONFERENCE

Defendant.

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WHEREAS Plaintiff Keryx Biopharmaceuticals, Inc. ("Keryx") and Defendant Panion & BF Biotech, Inc. ("Panion") have agreed to meet in person in the United States in order to settle their present dispute if possible;

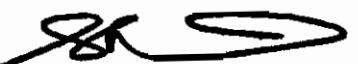
WHEREAS the Court, at the request of the parties, has adjourned the Initial Case Management Conference until September 26, 2008;

ACCORDINGLY, the parties jointly request the Court to conform certain pretrial deadlines with the date of the rescheduled Case Management Conference by ordering as follows:

1. Keryx will serve its Reply to Panion's Counterclaims no later than September 12, 2008;
2. The parties will make their Initial Disclosures under Rule 26(a)(1), and will file a Joint Case Management Report, no later than September 19, 2008;
3. Discovery in this case is stayed until the Initial Case Management Conference has been held, PROVIDED THAT if Panion sends a Notice of Breach or a Notice of Termination regarding the Keryx-Panion Amended & Restated License Agreement that is at issue in this litigation, the stay of discovery shall automatically terminate and Keryx may approach the Court to seek resolution of this action.

Dated: New York, New York  
August 25, 2008.

FRIED, FRANK, HARRIS, SHRIVER  
& JACOBSON LLP

By:   
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Attorney for Defendant  
Panion & BF Biotech, Inc.

*so ordered.*

*June 25  
August 25, 2008*

ACCORDINGLY, the parties jointly request the Court to conform certain pretrial deadlines with the date of the rescheduled Case Management Conference by ordering as follows:

1. Keryx will serve its Reply to Panion's Counterclaims no later than September 12, 2008;
2. The parties will make their Initial Disclosures under Rule 26(a)(1), and will file a Joint Case Management Report, no later than September 19, 2008;
3. Discovery in this case is stayed until the Initial Case Management Conference has been held, PROVIDED THAT if Panion sends a Notice of Breach or a Notice of Termination regarding the Keryx-Panion Amended & Restated License Agreement that is at issue in this litigation, the stay of discovery shall automatically terminate and Keryx may approach the Court to seek resolution of this action.

Dated: New York, New York  
August 20, 2008.

FRIED, FRANK, HARRIS, SHRIVER  
& JACOBSON LLP

By: \_\_\_\_\_  
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Attorney for Defendant  
Panion & BF Biotech, Inc.

**IT IS SO ORDERED**

Dated: \_\_\_\_\_, 2008

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The Honorable Denise L. Cote  
United States District Judge